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HP/4

PATENT  
0091-0189P

## IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant:	Harald MERKEL et al.	Conf.:	2145
Appl. No.:	09/885,285	Group:	Unknown
Filed:	December 4, 2000	Examiner:	Unknown
For:	DEVICE, METHOD AND SYSTEM FOR MEASURING THE DISTRIBUTION OF SELECTED PROPERTIES IN A MATERIAL		

## LETTER

Assistant Commissioner for Patents  
Washington, DC 20231

March 15, 2002

Sir:

In response to the two (2) Notice to File Missing Parts of Nonprovisional Application dated February 19, 2002 and March 4, 2002, respectively, Applicants would like to advise the U.S. Patent and Trademark Office that a Declaration was filed with the Request for Conversion of Provisional to Nonprovisional application on December 4, 2001.

As evidence of the Applicants previous submission of the Declaration in connection with the present application, Applicants enclose a copy of the postcard indicating receipt of the Declaration by the U.S. Patent and Trademark Office on December 4, 2001. However, it appears that the Declaration has been received by the U.S. Patent and Trademark Office; however, since the Notice dated March 4, 2002 does not include the Declaration as a requirement.

The two (2) Notice to File Missing Parts of Nonprovisional Application also indicate that additional claim fees of \$243.00 for a total of 27 claims over 20 is also due.

Applicants respectfully submit that the additional claims fee should have been charged to Deposit Account No. 02-2448, as indicated on the transmittal dated December 4, 2001. The transmittal dated December 4, 2001 authorizes the U.S. Patent and Trademark Office to charge any additional fees to above-mentioned Deposit Account No. However, attached hereto is a check for **\$243.00** to cover the additional claims fee.

With regard to the surcharge of \$65.00, it is believed that a late filing fee or Oath or Declaration surcharge as set forth in 37 C.F.R. § 1.16(l) of \$65.00 for a Small Entity in compliance with 37 C.F.R. § 1.27 should not be due by Applicants. The Declaration was submitted in a timely manner on December 4, 2001 and the additional claims fee should have been charged to Deposit Account No. 02-2448. Accordingly, a check for only the additional claims fee of **\$243.00** is enclosed.

However, if necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees and **the late filing fee or Oath and Declaration surcharge as set forth in 37 C.F.R. § 1.16(l).**

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

James M. Slattery

Reg. No. 28,380

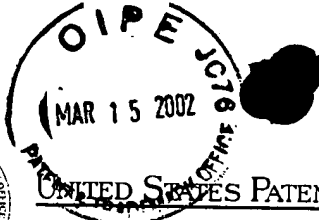
P. O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000

JMS/PCL/cl

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/885,285	12/04/2000	Harald Merkel	0091-0189P

2292  
BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

CONFIRMATION NO. 2145

## FORMALITIES LETTER



\*OC000000007495436\*

Date Mailed: 02/19/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Total additional claim fee(s) for this application is \$243.
  - \$243 for 27 total claims over 20.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 308.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

03/20/2002 SDENB01 00000056 09885285

01 FC:203

243.00 OP

05/14/2002 JTIPPETT 00000005 022448 09885285

01 FC:205

65.00 CH

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05/14/2002 JTIPPETT 00000006

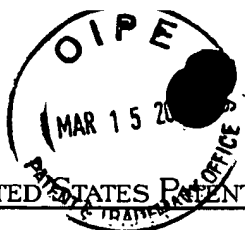
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Void date: 05/14/2002 JTIPPETT  
05/14/2002 JTIPPETT 00000006  
01 FC:204



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WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/885,285	12/04/2000	Harald Merkel	0091-0189P

2292  
BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
WASHINGTON, DC 20004-0747

CONFIRMATION NO. 2145

FORMALITIES LETTER



Date Mailed: 03/04/2002

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 02/19/2002 to the Notice to File Missing Parts (Notice) mailed 02/19/2002 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

The required items noted below **SHOULD** be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- Total additional claim fee(s) for this application is \$243.
  - **\$243** for **27** total claims over 20.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 308.

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE